

REMARKS/ARGUMENTS

Applicants note with thanks and appreciation the indication of allowable subject matter in claims 4 and 30. Reconsideration and continued examination of this application as amended is respectfully requested. Claims 1, 6, 7, 17, 18, 20-29, 32, 33, 35, 36, 38-41, 46, 47, 49-51, 53-55, 57-58, 60, and 63-66 are pending in this application.

1. Status of the Claims

Claims 4 and 30, which contain allowable subject matter, have been canceled and the limitations therein incorporated into claims 1 and 17 respectively. Claim 61 has been canceled and the limitation of element (d) of claim 61 has been incorporated into claim 17. Claim 62 has also been canceled and the limitation of element (d) of claim 62 has been incorporated into claim 35. Claims 61 and 62 included the limitations of claims 17 and 35 respectively, but with an additional element (d). Applicants have amended claims 17 and 35 and canceled claims 61-62 instead of canceling claims 17 and 35 so that the claims dependent on claims 17 and 35 need not be amended to change the dependency thereof. Additionally, claims 55, 63 and 65 have been amended to be dependent on claim 17. Claims 57, 64 and 66 have been amended to be dependent on claim 35.

2. Prior Art Rejections

Claims 1, 6, 17, 18, 20-29, 32, 33, 35-36, 38-41, 46-47, 49-51, 53, 54, 58, 60, and 63-66 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tetra. Claims 55, 57, and 61-66 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,284,299 to Morello et al. (Morello). Applicants have amended claim 1 to include the limitations of claim 4, which contains allowable subject matter. Thus, claim 1, and all claims dependent thereon, are in allowable condition. Additionally, claims 17 and 35, and all claims dependent thereon, are patentable for the reasons set forth below.

3. Rejection of claims 55, 57, and 61-66 over Morello

Claims 55, 57, 61-66 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,284,299 to Morello et al. (Morello). Claim 17 was amended such that it substantially recites the subject matter of now canceled claim 61. Similarly, claim 35 was amended such that it substantially recites the subject matter of now canceled claim 62. Applicants respectfully submit that amended claims 17 and 35, and all claims dependent thereon, are patentable over Morello because the rejections under Morello are improper as Morello was previously disqualified as prior art in the prosecution of this application.

In particular, in Amendment B, submitted by Applicants on March 17, 2003, Applicants argued the Morello does not qualify as prior art under 35 U.S.C. 103 because Morello and the present application were commonly owned at the time the present invention was made by The Quaker Oats Company. See Exhibit "A" attached hereto which includes the relevant portions of Amendment B. Applicants' representative, Mark W. Scott, discussed the prior submission regarding Morello with the Examiner in a telephonic interview on September 7, 2004. The Examiner indicated that she may have overlooked the disqualification of the Morello reference as prior art in drafting the present Office Action. Thereafter, the Examiner suggested rearguing the disqualification of the Morello reference in the present response.

As stated by the Attorney for Applicants in Amendment B (Exhibit "A,") U.S. Patent No. 6,284,299 to Morello and the present application (U.S. Patent Application 09/739,857) were commonly owned at the time the present invention was made by The Quaker Oats Company. Also attached hereto as part of Exhibit "A" is Exhibit "1," which includes a copy of the assignment in the present application, which can be verified at USPTO Assignment Division Reel/Frame 011754/0234. The assignment establishes the common ownership of the present application and Morello at the time the present invention was made. Accordingly, Morello should be disqualified as a prior art reference under 35 U.S.C. 103. In view of the above, claims 17 and 35, and all claims dependent thereon are in allowable condition.

CONCLUSION

In conclusion, it is respectfully submitted that pending claims 1, 17 and 35, and all claims dependent thereon, are in allowable condition. An early indication of allowance is solicited.

Respectfully submitted,

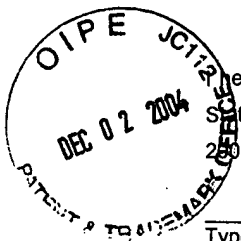


James D. Ryndak
Registration No. 28,754
Attorney for Applicants

Date: November 29, 2004

RYNDAK & SURI
30 N. LaSalle Street
Suite 2630
Chicago, IL 60602
(312) 214-7770

\\Q:\Quaker\10083\Amendment E response to 08-27-04 OA.doc



I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. (703) 308-7718) on March 17, 2003

James D. Ryndak
Typed or Printed Name of Person Signing Certificate

Signature

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James D. Hansa et al.
Appl. No. : 09/739,857
Filed : December 18, 2000
Title : OAT AND CORN PRODUCTS CONTAINING
ADDED INGREDIENTS AND METHOD

Grp./A.U. : 1761
Examiner : Helen Pratt

Docket No. : 40002-10083

Honorable Commissioner of Patents
Washington, D.C. 20231

AMENDMENT B

Sir:

This paper is responsive to the Office Action mailed on December 16, 2002 having a three-month shortened period for response set to expire on March 16, 2002. This response includes a Request for Continued Examination and is filed within the shortened period of response.

Please amend the above-identified application as follows.

In the Claims:

Please cancel claims 9-12, and 14-15 without prejudice.

Please amend the claims as follows.

1. (Twice amended) An uncooked food product consisting essentially of a food selected from the group consisting of uncooked oat groats, uncooked corn grit and mixtures thereof, and added material absorbed into the food, said material being water soluble or water dispersible and selected from the group consisting of vitamins, minerals, nutrients selected from Echinacea extract, ginkgo, ginseng, bee pollen, lecithin, St. John's wort extract and mixtures thereof, spices, flavors and combinations thereof present in an amount of from about 0.0001% to about 2.0% on a dry weight basis of the food product.

17. (Twice amended) A method of incorporating at least one water soluble or water dispersible ingredient into the body of food selected from the group consisting of uncooked oat groats and uncooked corn grit, comprising:

- (a) tempering the food;
- (b) contacting the food with an aqueous infusion mixture of water and the ingredient for a time and in an amount and ingredient concentration effective to increase the moisture content of the food by from about 1% to about 35% by weight of the food to absorb the ingredient; and
- (c) optionally equilibrating the contacted food with the aqueous infusion mixture for a sufficient amount of time to cause further absorption of the ingredient by the food.

35. (Twice amended) A method of adding at least one non-water soluble ingredient to uncooked oat groats so such ingredient becomes adsorbed onto at least a portion of the surface of the uncooked oat groats, the method comprising:

- (a) tempering the oat groats;
- (b) contacting the surface of the uncooked oat groats with an aqueous mixture containing the non-water soluble ingredient for a time and in an amount and ingredient concentration effective to increase the moisture content of the uncooked oat groats by from about 1% to about 35% and to cause adsorption of the ingredient; and [thereafter]
- (c) optionally equilibrating the uncooked oat groats with the aqueous mixture for a sufficient amount of time to cause further adsorption of the ingredient onto at least a portion of the surface of the oat groats.

54. (Amended) The method of claim 17 wherein said contacting and said tempering occur simultaneously.

56. (Amended) The method of claim 35 wherein said contacting and said tempering occur simultaneously.

Please add the following new claims.

--58. The method of claim 17 wherein said contacting occurs prior to said tempering.

59. The method of claim 35 wherein said contacting occurs prior to said tempering.--

REMARKS

Applicants request further examination and reconsideration of the application in view of the amendments and the following remarks. Claims 1-4, 6, 7, 17-18, 20-30, 32-33, 35-36, 38-41, 43, 44, 46-57 and new claims 58-59 are pending in this application.

1. Status of the Claims

Attorney for Applicants wishes to convey appreciation and gratitude to Examiner Pratt for the courtesies extended in a telephone conversation on February 11, 2003. Examiner Pratt noted the discrepancy in Paper No. 8 which omitted cancelled claims 5, 8, 13, 16, 19, 31, 34, 37, 42 and 45. Examiner Pratt further indicated that these cancelled claims would be entered and annotated in the next Office Action.

As a result of the present amendment, claims 9-12 and 14-15 have been cancelled. Claims 1, 17, 35, 54 and 56 have been amended. New claims 58 and 59 have been added. Support for the amendments and new claims can be found in the original patent application at page 6, lines 23-26 and page 9, line 19 through page 10, line 15.

2. Double Patenting

Claims 1-16 were provisionally rejected for obviousness-type double patenting over claims 77-93 and 98-121 of copending application no. 09/739,450 (Attorney Docket No. 40002-10387) and the claims of application no. 09/487,036 (Attorney Docket No. 40002-10075). Regarding application no. 09/739,450, only claims 85-93, 104-110 and 113-121 are pending and have been allowed. These claims are directed to corn grit clusters—an element wholly lacking in the present claims. Applicants respectfully submit that the claims of application no. 09/739,450 and the present application are thereby patently distinct and that the double patenting rejection over application no. 09/739,450 should be withdrawn.

A terminal disclaimer is enclosed for the present application to overcome the provisional obviousness double patenting rejection based on application no. 09/487,036.

3. § 112 Rejection

Claim 54 was rejected under 35 U.S.C. § 112 1st and 2nd paragraphs as being unsupported by the specification and further as being indefinite. The specification is clear, however, that the methods of the present invention may “be performed during ... tempering of oats or corn....” See original application at page 9, lines 19-21. Applicants respectfully request that the § 112 rejections be withdrawn.

3. § 103 Rejections

Claims 1-57 were rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 5,997,917 to Uchida et al. (Uchida), or U.S. Patent No. 6,284,299 to Morello et al. (Morello) or U.S. Patent No. 2,829,054 to Feinstone (Feinstone). These rejections are traversed for the following reasons and for other reasons that will be apparent.

a. *Morello should be removed as a reference*

While Morello may constitute prior art under 35 U.S.C. § 102(e), Morello does not qualify as prior art under 35 U.S.C. § 103. The Morello patent and the present application were commonly owned at the time the present invention was made. In accordance with 35 U.S.C. § 103(c) and MPEP § 706.02(l)(1), Attorney for Applicants hereby states that U.S. Patent Application 09/739,857 (the present invention) and U.S. Patent No. 6,284,299 to Morello et al., were, at the time the present invention was made, owned by The Quaker Oats Company. The assignment of the present invention may be verified at the U.S.P.T.O Assignment Division at Reel/Frame 011754/0234. Copy attached as Exh. 1. Applicants therefore respectfully submit that Morello be disqualified as prior art under 35 U.S.C. § 103(c) and all rejections based on Morello be withdrawn.

b. The present claims are patentable over Uchida

Independent product claim 1 recites a product having added water soluble or water dispersible material absorbed into the food. Moreover, Uchida does not teach or suggest a water soluble or water dispersible material absorbed into oat groats or corn grit as recited in the present claims. Uchida discloses a protein coated oat grain having decreased viscosity when dispersed in water. Uchida, col. 1 lines 65-67. A protein solution “contacts” the surface of the oat grain. This contact “cover[s]” the oat with “gelled” protein. Uchida, col. 4 lines 16-23. Nowhere does Uchida disclose that the protein is absorbed, infused or otherwise taken up by the oat. The fact that 1) the protein is gelled, 2) this gelled protein prevents elution of viscous materials from the oats, and 3) Uchida provides no teaching that the protein solution does anything more than “contact” the oat. Uchida does not teach or suggest absorbing the recited material into the body of the oat groat or corn grit as claimed.

c. The present claims are patentable over Uchida in view of Feinstone

Feinstone does not supply the deficiencies of Uchida. Feinstone is directed to forming a coating on rice grains. Feinstone at col. 2, lines 4-19. Feinstone does not teach or suggest a material absorbed into, uncooked oat groats/corn grit as recited in the present claims. Feinstone teaches applying an aqueous CMC dispersion including vitamins and minerals onto the surface of rice grains. The insoluble CMC forms a “film” which “adheres tenaciously” to the grain when dried. Feinstone, col. 3 lines 60-65. The vitamins and other nutrients are bound to the grain surface by the dried CMC, which acts as a glue or adhesive. Feinstone, col. 2 lines 30-40. Thus, the vitamins are contained in the CMC, which adheres to the grain surface. Consequently, Feinstone has no disclosure whatsoever that the vitamins and other nutrients are absorbed into the body of the rice. In fact, Feinstone teaches away from the absorption of the vitamins and other nutrients into the rice as a thorough wetting of the rice is to be avoided. Feinstone, col. 5 lines 65-71. Whereas in accordance with the present invention, wetting is necessary for the absorption process. See original application at page 6, line 29 through page 7, line 3.

Even if some material would be inherently absorbed into the oat groat of Uchida or rice of Morello, there is no teaching or suggestion that such absorption is

known. An obviousness rejection cannot be predicated on that which is not known. Rather, an obviousness rejection must be predicated on that which is known.

Combining the references fails to supply the deficiencies of either reference. Uchida fails to teach or suggest that the protein is absorbed into the oat. Feinstone likewise fails to teach or suggest that the vitamins are absorbed into the grain. Thus, combining the teachings of Uchida and Feinstone cannot teach or suggest absorption of water soluble or water dispersible added material into oat groat and/or corn grit as recited in the claims.

d. The method claims are patentable over the prior art

Uchida has no teaching or suggestion of contacting oat groat and/or corn grit with an infusion mixture to cause absorption or adsorption of the mixture in combination with tempering the grain as recited in method claims 17 and 35 and claims dependent therefrom. Uchida merely discloses that the aqueous protein solution may be applied before, during or after the steaming. Uchida, col. 4 lines 3-9. Nor does Feinstone supply the deficiencies of Uchida. Feinstone does not teach or remotely suggest tempering the grain in the process of coating the grain as recited in process claims 17 and 35. Feinstone merely discloses that the rice may be parboiled. Feinstone col. 1 lines 40-45. Neither Uchida nor Feinstone teaches or suggests the use of water as a vehicle to cause infusion of the desired materials into the body of the grain (absorption) or onto the surface of the grain (adsorption) as claimed. The method claims are unobvious and should be allowed.

CONCLUSION

In conclusion, it is respectfully submitted that pending claims 1-4, 6, 7, 17-18, 20-30, 32-33, 35-36, 38-41, 43, 44, 46-57 and new claims 58-59 are nonobvious and patentable. An early indication of allowance is solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**"

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Ryndak", written over the printed name.

James D. Ryndak
Registration No. 28,754

Date: March 17, 2003

RYNDAK & SURI
30 N. LaSalle Street
Suite 2630
Chicago, IL 60602
(312) 214-7770

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 9-12 and 14-15 have been cancelled.

The claims have been amended as follows.

1. (Twice amended) An uncooked food product consisting essentially of a food selected from the group consisting of uncooked oat groats, uncooked corn grit and mixtures thereof, and added material absorbed into the food, said material being water soluble or water dispersible and selected from the group consisting of vitamins, minerals, nutrients selected from Echinacea extract, ginkgo, ginseng, bee pollen, lecithin, St. John's wort extract and mixtures thereof, spices, flavors and combinations thereof present in an amount of from about 0.0001% to about 2.0% on a dry weight basis of the food product.

17. (Twice amended) A method of incorporating at least one water soluble or water dispersible ingredient into the body of food selected from the group consisting of uncooked oat groats and uncooked corn grit, comprising:

(a) tempering the food:

(b) [(a)] contacting the food with an aqueous infusion mixture of water and the ingredient [selected from the group consisting of uncooked oat groats, uncooked corn grit and mixtures thereof, and added material absorbed into the food, said material selected from the group consisting of vitamins, minerals, nutrients selected from Echinacea extract, ginkgo, ginseng, bee pollen, lecithin, St. John's wort extract and mixtures thereof, spices, flavors and combinations thereof present in an amount of from about 0.0001% to about 2.0% on a dry weight basis of the food product] for a time and in an amount and ingredient concentration effective to increase the moisture content of the food by from about 1% to about 35% by weight of the food to absorb the ingredient; and

(c) [(b)] optionally equilibrating the contacted food with the aqueous

infusion mixture for a sufficient amount of time to cause further absorption of the ingredient by the food.

35. (Twice amended) A method of adding at least one non-water soluble ingredient to uncooked oat groats so such ingredient becomes adsorbed onto at least a portion of the surface of the uncooked oat groats, the method comprising:

(a) tempering the oat groats;

(b) [(a)] [prior to flaking the oat groats] contacting the surface of the uncooked oat groats with an aqueous mixture containing the non-water soluble ingredient [selected from the group consisting of vitamins, minerals, nutrients selected from Echinacea extract, ginkgo, ginseng, bee pollen, lecithin, St. John's wort extract and mixtures thereof, spices, flavors and combinations thereof present in an amount of from about 0.0001% to about 2.0% on a dry weight basis of the oat groats] for a time and in an amount and ingredient concentration effective to increase the moisture content of the uncooked oat groats by from about 1% to about 35% and to cause adsorption of the ingredient; and [thereafter]

(c) [(b)] optionally equilibrating the uncooked oat groats with the aqueous mixture for a sufficient amount of time to cause further adsorption of the ingredient onto at least a portion of the surface of the oat groats.

54. (Amended) The method of claim 17 wherein said contacting and said tempering occur simultaneously [occurs during tempering of said food].

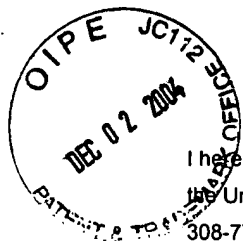
56. (Amended) The method of claim 35 wherein said contacting and said tempering occur simultaneously [occurs during tempering of said food].

New claims have been added as follows.

--58. The method of claim 17 wherein said contacting occurs prior to said

tempering.

59. The method of claim 35 wherein said contacting occurs prior to said tempering.--



Appl. No. 09/739,857

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308-7718) on March 17, 2003

James D. Ryndak
Typed or Printed Name of Person Signing Certificate

Signature

Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James D. Hansa et al.
Appl. No. : 09/739,857
Filed : December 18, 2000
Title : Oat and Corn Products Containing Added Ingredients
and Method

Grp./A.U. : 1761
Examiner : Helen Pratt

Docket No. : 40002-10083

Commissioner for Patents
Washington, D.C. 20231

Terminal Disclaimer To Obviate A Provisional Double Patenting Rejection Over A Pending Application

The owner, The Quaker Oats Company, of one-hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/487,036 filed on January 19, 2000. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patents granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is

reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

3. Owner/applicant is ☐ Small entity ☒ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is \$110.00 and is to be paid as follows:

☐ A check in the amount of the fee is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account Number 50-0503. A duplicate copy of this sheet is enclosed.

PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied.)



Signature

Dated: March 17, 2003

James D. Ryndak
RYNDAK & SURI
30 N. LaSalle Street, Suite 2630
Chicago, IL 60602
(312) 214-7770

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RECORDATION DATE: 04/27/2001

REEL/FRAME: 011754/0234

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HANSA, JAMES D.

DOC DATE: 12/15/2000

ASSIGNOR:

HIBBS, ALICE H.

DOC DATE: 12/15/2000

ASSIGNOR:

SALISBURY, DONALD KENT

DOC DATE: 12/15/2000

ASSIGNEE:

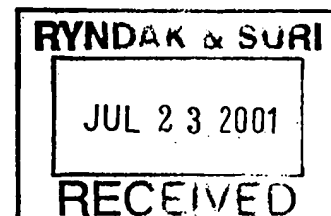
QUAKER OATS COMPANY, THE
321 NORTH CLARK STREET
CHICAGO, ILLINOIS 60610

SERIAL NUMBER: 09739857

FILING DATE: 12/18/2000

PATENT NUMBER:

ISSUE DATE:

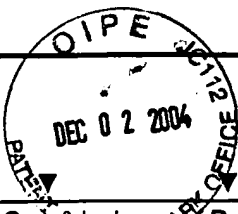


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JEFFREY OLSEN, EXAMINER
ASSIGNMENT DIVISION
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1. Name of conveying party(ies):

James D. Hansa
Alice H. Hibbs
Donald Kent Salisbury

4.27.01

Additional names(s) of conveying party(ies) ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: December 15, 2000

2. Name and address of receiving party(ies):

Name: The Quaker Oats Company

Internal Address: _____

APR 27 2001

Street Address: 321 North Clark StreetCity: Chicago State: IL ZIP: 60610Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

09/739,857

B. Patent No.(s)

406

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Patent Docket ClerkInternal Address: RYNDAK & SURIStreet Address: 30 North LaSalle Street, Suite 2630City: Chicago State: IL ZIP: 606026. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41):.....\$ 40.00

- ☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account
☐ Authorized to be charged to deposit account

8. Deposit account number:

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James D. Ryndak

Name of Person Signing

Signature

April 25, 2001

Date

Total number of pages including cover sheet, attachments, and document: 4

ASSIGNMENT

IN CONSIDERATION of One Dollar and other good and valuable considerations, the sufficiency and receipt of which is hereby acknowledged, we, James D. Hansa, Alice H. Hibbs, and Donald Kent Salisbury, hereby assign to THE QUAKER OATS COMPANY (hereinafter "Assignee"), a corporation of the State of New Jersey, having its principal office at 321 North Clark Street, Chicago, Illinois 60610-4714, its successors and assigns, the entire right, title and interest in our invention and/or improvements in a utility patent application for OAT AND CORN PRODUCTS CONTAINING ADDED INGREDIENTS AND METHOD, as set forth in an application filed on the 18 day of December, 2000 and assigned Serial Number 09/739,857, attorney's docket number 40002-10083, executed by us, respectively, the 15 day of December, 2000, and the 15 day of December, 2000, and the 15 day of December, 2000 (the named Assignee being hereby authorized to insert said serial number, filing date, docket number, and execution dates when ascertained), including any improvements thereof and any and all divisional and continuation applications, and in any and all Letters Patents, reissues and extensions issuing thereon, and we hereby authorize and request the Commissioner of Patents and Trademarks to assign said Letters Patent to said THE QUAKER OATS COMPANY.

FOR SAID CONSIDERATIONS we hereby agree, upon the request and on behalf of said Assignee, its successors and assigns, to execute any and all divisional and continuation applications for said invention or improvements, and any necessary oath or supplemental oath or affidavit relating thereto, and any application for the reissue or extension of said Letters Patent and any Letters Patent that may be granted upon any divisional and continuation applications that said Assignee, its successors or assigns, may deem necessary or expedient; and for the said considerations we further agree upon the request of said Assignee, its successors and assigns, in the event of said Letters Patent or any divisional or continuation thereof, or any Letters Patent issued thereon, or any reissue or application for the reissue thereof, becoming involved in interference, to cooperate to the best of our ability with said Assignee, its successors or assigns, in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, we hereby agree to perform, upon such request and at the expense of said Assignee, any and all affirmative acts to obtain said Letters Patent and vest all rights therein hereby conveyed in the said Assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made. And for the said considerations we hereby assign to said THE QUAKER OATS COMPANY, its successors and assigns, the entire right, title and interest in said invention or improvements for any and all foreign countries and agree upon the request of said THE QUAKER OATS COMPANY, its successors and assigns, to execute any and all documents that shall be required of us, to be executed in connection with any and all applications for foreign Letters Patent therefor, including the prosecution thereof, and to execute any and all documents necessary to vest title in said foreign applications and patents in said Assignee, without further consideration, but at the expense of said Assignee.

WITNESS my hand this 15 day of December, 2000.

Signature: James D. Hansa

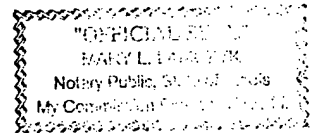
Name: James D. Hansa

STATE OF Illinois)
) SS.
COUNTY OF McHenry)

On this 15 day of December, 2000, before a Notary Public in and for the County and State aforesaid, appeared James D. Hansa, to me personally known to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as a free and voluntary act and for the uses and purposes therein expressed.

WITNESS my hand and seal the day and year last above given.

Mary L. Lamczyk (SEAL)
Notary Public



WITNESS my hand this 15 day of December, 2000.

Signature: Alice H. Hibbs

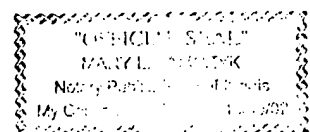
Name: Alice H. Hibbs

STATE OF Illinois)
) SS.
COUNTY OF McHenry)

On this 15 day of December, 2000, before a Notary Public in and for the County and State aforesaid, appeared Alice H. Hibbs, to me personally known to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as a free and voluntary act and for the uses and purposes therein expressed.

WITNESS my hand and seal the day and year last above given.

Mary L. Lamczyk (SEAL)
Notary Public





WITNESS my hand this 15 day of December, 2000.

Signature: Donald Kent Salisbury
Name: Donald Kent Salisbury

STATE OF Illinois)
) SS.
COUNTY OF Mc Henry)

On this 15 day of December, 2000, before a Notary Public in and for the County and State aforesaid, appeared Kent Salisbury, to me personally known to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as a free and voluntary act and for the uses and purposes therein expressed.

WITNESS my hand and seal the day and year last above given.

Mary L. Lamczyk (SEAL)
Notary Public

